

REPORT OF THE BOARD OF STEWARDS
STATE OF CALIFORNIA
ARNOLD SCHWARZENEGGER, GOVERNOR

To the California Horse Racing Board

Honorable Richard B. Shapiro, Chairman
Honorable John C. Harris, Vice Chairman
Honorable John W. Amerman, Member
Honorable John Andreini, Member
Honorable Jesse H. Choper, Member
Honorable Marie G. Moretti, Member
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Richard "Bon" Smith, Assistant Executive Director

BOARD OF STEWARDS

Randy Winick- Darrel McHargue - Dennis Nevin

Report for the period Wednesday October 31- Sunday November 4, 2007

10/31 WEDNESDAY

(1) CAL-BRED REPORT

The Cal-Bred race for Three Year Olds and Upward, claiming price \$10,000.00 at a distance of one mile and one eighth, went open with seven entrants, three of which were Cal-Bred.

(2) EARLY DECLARATIONS

3 rd race #6 RAVE RAVE RAVE	(Tr. Roy Lumm)
vet- unsound, Dr. Isbell D.V.M.	Refunds \$ 100.00

4 th race # 4 TEMPT FATE	(Tr. Dean Pederson)
vet- sick, Dr. Isbell D.V.M.	Refunds \$ 591.00

6th race # 6 VINTAGE PRESS
vet- unsound, Dr. Isbell D.V.M.

(Tr. Steve Miyadi)
Refunds \$ 28.00

(3) HAVERTY HEARING -(07BM089, 07BM090, 07BM091)

A formal hearing was conducted into three separate complaints filed against trainer Karen Haverty after the horses GINA LOLO (1st) August 9, 2007, RIVERRUNS THRUIT (1st) August 11, 2007, and ROYAL RAY (2nd) August 12, 2007 at the Humboldt County Fairgrounds Race Course (Ferndale), showed the presence of Flunixin (Banamine) in excess of the permitted level in post race tests.

The hearing was conducted by the Board of Stewards, Darrel McHargue, Dennis Nevin and Randy Winick. In attendance were trainer Karen Haverty with attorney Brian Pitnick, Supervising Investigator Anne Glasscock, Special Investigator Charles Smith, Dr. Scott Stanley of U.C. Davis Laboratories, and Court Reporter Christine Niccoli.

The charges of the complaints were read, exhibits were marked and entered into evidence, and investigator Glasscock gave testimony for the California Horse Racing Board along with expert witness Dr. Scott Stanley. Trainer Haverty and her attorney Brian Pitnick gave statements and arguments for her defense, centering on there being no intent on her part or knowledge of how these horses attained such high levels.

The Stewards closed the hearing for deliberation, and a decision will follow in the near future.

(4) GOOD RACING

Wednesday Afternoon's program was conducted without problem or incident.

(5) ATTENDANCE- HANDLE

On Track Attendance	1,048
N-Cal Attendance	3,162
On Track Handle	\$ 381,782.10
N-Cal Handle	\$ 1,103,492.70

11/1 THURSDAY

(1) CAL-BRED REPORT

The Cal-Bred race for Three Year Olds, claiming price \$6,250.00 at five furlongs, failed to fill with one entry.

(2) EARLY DECLARATIONS

4TH race #2 MARYALICE INDALLAS
vet-sick, Dr. Isbell D.V.M.

(Tr. Dean Pederson)
Refunds \$ 374.20

6th race #5 PURPLEY
vet- sick Dr. Isbell D.V.M.

(Tr. Jamey Thomas)
Refunds \$ 199.90

(3) FILM REVIEW

Apprentice jockey Jose Martinez-Campos reviewed film of two incidents he was involved in on the previous two days of racing.

The first was concerning the second race on Sunday, October 28, 2007, when his mount moved to an opening along the rail inside of jockey David Lopez, where there appeared to be room and then the opening tightened causing his mount to shy and come out and bump Mr. Lopez's horse. Jose thought at first it was the other horses fault, but after the review, he saw his error in judgment, and agreed that he must assess a situation before he commits to it.

The second instance concerned the third race on Wednesday, October 31, 2007 (One mile, turf), where his mount was approaching the first turn and was somewhat rank. As Mr. Campos was attempting to take his horse back, he came over on a horse to his inside and caused interference with that rival. Jose said he didn't notice the horse to his inside and admitted that he needs to pay more attention to other horses around him, and to look inside and out, when changing direction or taking back.

The Stewards counseled the young apprentice to be more patient and aware of his surroundings at all times, and learn from prior experience and mistakes. This review was considered a strong warning to Mr. Martinez-Campos.

(4) ALLEN RULING

Ruling # 48

Trainer Robert W. Allen is fined the sum of three hundred dollars (\$300.00)* pursuant to California Horse Racing Board rule # 1629 (Penalty For Late Declaration) for failure to have the horse OFFICER NEUFNER in the receiving barn at the designated time for the first race, necessitating a late declaration on October 27, 2007 at Bay Meadows, a violation of California Horse Racing Board rule 1852 (Reporting to Receiving barn).

The above ruling was issued after Mr. Allen spoke to the Stewards and stated that there was a problem with his groom not understanding the proper time to be in the Receiving Barn for the first race. There was a change in the post-time for Saturday due to it being Breeders' Cup Day. Trainer Allen accepted that it was ultimately his responsibility to be in the Receiving Barn on time.

(5) JONES RULING

Ruling # 49

Owner Darryl Jones, having failed to respond to written notice to appear before the Board of Stewards at Bay Meadows on or before October 28, 2007, is hereby suspended for violation of California Horse Racing Board rule # 1547 (Failure To Appear) pending an appearance at a hearing before the Board of Stewards to answer charges alleging violation of California Horse Racing Board rule # 1876 (Financial Responsibility).

The above ruling was written after Mr. Jones was not present to address a complaint filed by San Francisco Equine, Inc. for unpaid veterinary services in the amount of \$4,097.00

(6) ATTENDANCE- HANDLE

On Track Attendance	1,537
N-Cal Attendance	3,858
On Track Handle	\$ 441,267.80
N-Cal Handle	\$ 1,264,684.00

11/2 FRIDAY

(1) CAL-BRED REPORT

The Cal-Bred race for Fillies and Mares Three Years Old and Upward, claiming price \$10,000.00 at a distance of one mile and one sixteenth, failed to fill and was called off with two entrants.

(2) EARLY DECLARATIONS

2ND race # 4 ARDMAYLE (Tr. Keith Didio)
vet- injured Dr. Isbell D.V.M. Refunds \$ 141.00
The declaration of the horse listed above reduced the field to four wagering interests, which resulted in the cancellation and refund of the show pool, per California Horse Racing Board rule # 1954 (Pari-mutuel Pools)

3rd race # 4 OWEN ROE O'NEILL (Tr. Jerry Hollendorfer)
vet- sick, Dr. Isbell D.V.M. Refunds \$ 409.10
The declaration of the two horses listed above reduced the field to four wagering interests, which resulted in the cancellation and refund of the show pool, per California Horse Racing Board rule # 1954 (Pari-mutuel Pools)

6th race # 1 PEACE ACCORD (Tr. Tom Roberts)
vet-sick, Dr. Isbell D.V.M. Refunds (Part of entry)

(3) INGEBRITSON HEARING (07BM119)

The informal hearing for Mr. Mark Ingebritson concerned transporting horses without a proper license. Mark holds three separate licenses; however he did not obtain a vendor's license while he was transporting horses for several days. Upon being informed that a vendor's license was required he promptly applied for and procured such a license the following day. The Stewards gave Mr. Ingebritson a warning to always inquire as to what license is necessary for any endeavor he may pursue.

(4) FILM REVIEW

Jockey Catalino Martinez was in at the Stewards request, to review his ride in Thursday's first race regarding his reaction and timing in straightening his horse out from lugging in upon leaving the starting gate. Mr. Martinez thought he made a reasonable effort to correct the inward motion, to which the Stewards agreed in part, but that it was somewhat late. Catalino was warned to react quicker when a problem such as this presents itself, and he said he would in future races.

(5) HAVERTY RULING

Ruling # 50

Trainer Karen R. Haverty, who started horses GINA LOLO, first place finisher in the fifth race on August 9, 2007, RIVERRUNS THRUIT, first place finisher in the fifth race on August 11, 2007 and ROYAL RAY, second place finisher in the sixth race on August 12, 2007 at Humboldt County Fair (Ferndale) is fined the sum of two thousand dollars (\$2,000.00)* pursuant to California Horse Racing Board rule # 1887 (Trainer to Insure Condition of Horse) for violation of California Horse Racing Board rule # 1843 (a) & (d) (Medication, Drugs and Other Substances: Flunixin in excess of permitted level 657 ng/ml, 167 ng/ml and 118 ng/ml respectively- Class VI).

The above ruling was issued after deliberation by the Stewards of the formal hearing for trainer Karen Haverty, concerning multiple positive tests for Flunixin (Banamine) by three of her horses. Karen admitted to responsibility for the infraction but did not know how it happened due to her thorough management of stable procedure. Ms. Haverty thought it might have been a possible mistreatment by her veterinarian. The Stewards told her that is ultimately her due diligence that is required, and Karen accepted this, though somewhat reluctantly.

Deleted: -

(6) STEWARDS INQUIRY – THIRD RACE- NO CHANGE

The Stewards posted the inquiry sign to review the run to the first turn of the third race involving a bumping incident between #1 COWBOYSANDINDIANS (2nd Jose Martinez-Campos), #2 HARD ALEE (3rd Luis Martinez), and #3 WHISKEY LULLABY (4th Francisco Duran).

After a thorough review of the film of the race, and talking to the riders involved, the Stewards in a majority decision (Dennis Nevin dissenting), let the original order of finish stand.

The film shows that #2 when racing between #1 and #3, took up at the 7/8's pole approaching the first turn. It appears that it was initially caused by #1 bearing out while negotiating the turn, causing the space to tighten, forcing #2 to take up. Upon closer scrutiny it was actually #3 pushing #2 into #1's hindquarters, tipping that horse out that caused the problem. In the opinion of the majority it was #3 that was the offending horse and because that one placed behind #2, no change to the result was made.

(7) STEWARDS' INQUIRY – SEVENTH RACE – NO CHANGE

The Steward's posted the inquiry sign upon completion of the seventh race (1 1/6 turf), to investigate an incident just past the 3/16 pole involving #4 THREADNEEDLE (6th Alex Bisono) making contact with the inside rail.

After review of the tape, the Stewards saw that the horse suddenly shifted inward for no apparent reason and was the cause of his own problem. This incident involved no other horses and did not affect the order of finish. For these reasons the Stewards let the original order of finish stand.

(8) ATTENDANCE - HANDLE

On Track Attendance	1,872
N-Cal Attendance	4,140
On Track Handle	\$ 376,099.00
N-Cal Handle	\$ 1,215,410.70

11/3 SATURDAY

(1) CAL-BRED REPORT

The Cal-Bred race for Fillies and Mares Three Years Old and Upward, claiming price \$5,000.00 going one mile, failed to fill with three in the entry box.

(2) EARLY DECLARATIONS

4 th race # 3 CANYOUTOPTHIS	(Tr. A.L.Diaz)
vet- injured Dr. Isbell D.V.M.	Refunds \$ 401.50

5th race #6 HANGING WITHMY BUDS
vet-sick, Dr. Isbell D.V.M.

(Tr. Rene Amescua)
Refunds \$ 197.00

The declaration of the horse listed above reduced the field to four wagering interests, which resulted in the cancellation and refund of the show pool, per California Horse Racing Board rule # 1954 (Pari-mutuel Pools)

(3) SLOVER RULING

Ruling # 51

Owner Michael Slover having failed to respond to written notice to appear before the Board of Stewards at Bay Meadows on or before November 2, 2007, is hereby suspended for violation of California Horse Racing Board rule # 1547 (Failure to Appear) pending an appearance at a hearing before the Board of Stewards to answer charges alleging violation of California Horse Racing Board rule # 1876 (Financial Responsibility).

The above ruling was issued after Mr. Slover was not present to address a complaint filed by Equine Sports Medicine and surgery alleging \$1,839.29 due for services rendered.

(4) FILM REVIEW

Apprentice Jockey Jose Martinez-Campos was in to review film of Friday's third race where his mount was lugging out in the first turn from the inside post, and also drifted slightly through the stretch when he continued to drift out under left handed whipping.

The young apprentice was of the opinion that it was the horse that was the problem, being difficult to handle. The Stewards did agree, however it was pointed out that he must make significant improvement by grabbing his mounts inside rein to prevent the drifting out, and to also stop left handed whipping of a horse while he continues to drift out through the lane.

Mr. Martinez-Campos is a young rider that is still learning, but he must keep safety and awareness of his position in mind at all times. The Stewards were aware of this being partly the horse's fault, but want Jose to show improvement in his riding skills. No sanction was given.

(5) STEWARDS INQUIRY – SIXTH RACE- NO CHANGE

The Stewards posted the inquiry sign upon completion of the afternoon's sixth event, to view an incident at the start. Immediately upon leaving the gate #3 KONA KOVE (6th Francisco Duran) angled to the right and made contact with #4 GENERAL RON (5th

Catalino Martinez) who bumped with #5 LEE'S HIGH BIDDER (1st Jose Martinez-Campos) who in turn connected with #6 PEKING BOY (3rd David Lopez).

After a thorough review of the start of this race, the Stewards made no change to the original order of finish due to the fact that all aggrieved parties finished in front of the offending horse. It was also noted that jockey Francisco Duran made a good effort, but his mount was the cause of his own problem.

(6) ATTENDANCE- HANDLE

On Track Attendance	4,241
N-Cal Attendance	8,456
On Track Handle	\$ 1,067,838.30
N-Cal Handle	\$ 2,720,527.30

11/4 SUNDAY

(1) CAL-BRED REPORT

The Cal-Bred race for Three Year Olds and Upward, claiming \$16,000.00 at one mile on the main track, went open with six, one being Cal-Bred.

(2) EARLY DECLARATIONS

2 nd race # 4 BELLSBLADE	(Tr. Steve Miyadi)
vet-sick, Dr. Isbell D.V.M.	Refunds \$

The declaration of the horse listed above reduced the field to four wagering interests, which resulted in the cancellation and refund of the show pool, per California Horse Racing Board rule # 1954 (Pari-mutuel Pools)

6 th race # 2 ATZIMBA	(Tr. Peter Miller)
vet- injures, Dr. Isbell D.V.M.	Refunds \$

9 th race #4 BEAU'S APPEAL	(Tr. Tim Bellasis)
vet-sick, Dr. Isbell D.V.M.	Refunds \$

The declaration of the horse listed above reduced the field to four wagering interests, which resulted in the cancellation and refund of the show pool, per California Horse Racing Board rule # 1954 (Pari-mutuel Pools).

(3) FILM REVIEW

Jockey Jorge Ayarza was in as requested to see the Stewards and review film of Saturday's fourth race to discuss why his mount was allowed to drift out several horse paths from the 3/8 pole to the head of the stretch. Mr. Ayarza stated that his horse was lugging out and wouldn't switch leads. The Stewards requested that Jorge needs to make more of an effort to try and control his mounts in future races from doing this, or he may be more than cautioned.

(4) STEWARDS INQUIRY – FIFTH RANCE- NO CHANGE

The Stewards lit the inquiry lamp after the finish of the fifth race (7 1/2 furlongs, turf) To view film of an incident in the final sixteenth of a mile involving #7 SING FOR GOLD (4th Carlos Nieto) shifting out around #10 PAMELOT (1st Alex Bisono), and in so doing made significant contact with #5 COMMENDABLE QUEEN (2nd David Lopez) causing interference.

After reviewing replays of the race, the Stewards made no change to the posted order of finish due to the fact that #7 finished behind #5, and declared the result official. Jockey Carlos Nieto will be in to view this race with the Stewards.

(5) LATE DECLARATIONS –SIXTH RACE – REFUNDS

Two refunds were ordered in the sixth race. The first was for #3 SIX CASH, who was scratched by the Stewards on advice of Track Veterinarian Dr. Forrest Franklin for being unsound in the post parade. The refund amounted to \$ 5,625.44

The second was for a Stewards scratch of #12 MIND THE IDES, when trainer James A. Davis III was unable to secure a replacement rider for jockey Joe Castro, who was excused on advice of track Physician Dr. Seftel for stomach problems, the refund amounted to \$401.24

(6) LATE DECLARATION – SEVENTH RACE- REFUND

A refund was ordered in the seventh race when #10 TAPIO warmed up sore in the post parade and was declared on recommendation of track veterinarian Dr. Forrest Franklin, the refund amounted to \$ 8,168.02

(7) LATE DECLARATION – EIGHTH RACE – REFUND

On advice of track veterinarian Dr. Forrest Franklin, the Stewards declared #3 SWISS LAD, for a soundness problems during the post parade warm-up. The refund amounted to \$ 18,107.36

(8) ATTENDANCE - HANDLE

On Track Attendance	5,731
N-Cal Attendance	9,217
On Track Handle	\$833,143.40
N-Cal Handle	\$2,095,381.30

STEWARDS' WEEKLY SUMMARY

	<u>Date</u>	<u>Date</u>	<u>Date</u>	<u>Date</u>	<u>Date</u>		<u>Total</u>
	<u>10/31</u>	<u>11/1</u>	<u>11/2</u>	<u>11/3</u>	<u>11/4</u>		
ACCIDENTS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>		<u>6</u>
CAL-BRED RACES	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>		<u>9</u>
CLAIMS	<u>2</u>	<u>4</u>	<u>2</u>	<u>2</u>	<u>5</u>		<u>145</u>
DISQUALIFICATIONS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>		<u>8</u>
INQUIRIES/OBJECTIONS	<u>0</u>	<u>0</u>	<u>2</u>	<u>1</u>	<u>1</u>		<u>26/10</u>
REFUNDS	<u>3</u>	<u>2</u>	<u>3</u>	<u>2</u>	<u>7</u>		<u>188</u>
RULINGS	<u>0</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>0</u>		<u>51</u>

Randy Winick

Darrel McHargue

Dennis Nevin